

Wausau's Comments in Response to USEPA's Preliminary Decision of June 2, 1992

EXHIBIT 7

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June 18, 1992

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VIA CERTIFIED AND REGULAR MAIL

Office of Waste Programs Enforcement
United States Environmental Protection Agency
401 M. Street, S.W.
Washington, D.C. 20460

Attention: Fred Zimmerman

**RE: Employers Insurance of Wausau,
Petition for Reimbursement (42 U.S.C. § 9606(b)(2));
CIW Site ; Romulus, Michigan**

Dear Mr. Zimmerman:

PROCEDURAL REQUESTS

On June 8, 1992, we received the U.S. Environmental Protection Agency's ("USEPA" when referring to both the Agency Headquarters in Washington, D.C., and Region V Offices in Chicago, Illinois; and the "Agency" when referring to Agency Headquarters in Washington, D.C.; and the "Region" when referring to the Region V Office in Chicago, Illinois) "preliminary decision" dated June 2, 1992 and "Subject Index for CIW Site, Romulus, Michigan," relating to the above-referenced matter. In order for Employers Insurance of Wausau (Wausau) to be informed of USEPA practices and procedures in this matter:

1. Please identify and supply us at our expense not to exceed \$.10 per page or your customary fee, whichever is less, with a copy of the published or unpublished, procedure, rule, guidance or regulation describing the practices and procedures in proceedings before the Agency concerning petitions for reimbursement under CERCLA Section 106(b)(2) including, without limitation, the deadlines, requirements for extensions of time, evidentiary standards and standards of Agency review. Otherwise,

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if there is no such published or unpublished procedure, rule, regulation or guidance, please identify the deadlines, requirements for extension of time, evidentiary standards and standards of review in petitions for reimbursement cases, and the Agency's authority therefor. Also, please identify the source of authority for the Agency's statement that "the petitioner and the Region have thirty days to submit comments to OWPE on the preliminary decision" found at page 2 of the "preliminary decision" of June 2, 1992.

2. Please identify the specific "statutory threshold requirements for filing a petition set forth in Section 106(b)(2)(A)" referred to on page 2 of the "preliminary decision" of June 2, 1992. Furthermore, specifically describe which of those "statutory threshold requirements" were not "met" by Wausau, and which resulted in the "EPA[] denying [Wausau's] request for reimbursement" as described on page 2 of the "preliminary decision" of June 2, 1992.

3. Please identify and list the specific documents the Agency reviewed and relied on in its reported review of "the petition and the related documentation submitted by the petitioner and the Region" and of the "Administrative Record"...available...at EPA Records Center," in Chicago in making its "preliminary decision" of June 2, 1992. Furthermore, identify any other source of information used by the Agency in making the "preliminary decision" not found in the "petition and the related documentation submitted by the petitioner and the Region" and the "Administrative Record" found in Chicago.

AGENCY SUBJECT INDEX REQUESTS

4. Furthermore, in order for Wausau to provide comments to the "preliminary decision", please provide us, at our expense not to exceed \$.10 per page or your customary fee, whichever is less, with copies of the following documents, reports or summaries which are cited in the "Subject Index" section of the "preliminary decision" of June 2, 1992, specifically:

DOCUMENT

Administrative Order

- a. Unilateral Administrative Order for Removal Actions. From EPA to CIW Company, K&D Industrial Services, Inc., Group Eight Technology, Inc., and Employers Insurance of Wausau dated November 28, 1989;

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- b. Amendment to the Administrative Order. From EPA to CIW Company, K&D Industrial Services, Inc., Group Eight Technology, Inc., and Employers Insurance of Wausau dated December 27, 1989;
 - c. Second Amendment to the Administrative Order. From EPA to CIW Company, K&D Industrial Services, Inc., Group Eight Technology, Inc., and Employers Insurance of Wausau dated February 1, 1990; and
 - d. Third Amendment to the Administrative Order. From EPA to CIW Company, K&D Industrial Services, Inc., Group Eight Technology, Inc., Employers Insurance of Wausau, and Howard O. Gabbert, Jr. dated February 26, 1990.
- Correspondence between EPA
Region V and Employers
Insurance of Wausau
- e. EPA Approval. From Warning, Brett/EPA to Mueller, Fred Wausau dated February 26, 1990;
 - f. Work Plan Clarification. From Warning, Brett/EPA to Mueller, Fred/Wausau dated October 11, 1990;
 - g. Response to Petition. From Ullrich, David/EPA to Mueller, Fred/Wausau dated June 10, 1991;
 - h. Response to Inaccuracies by Wausau. From Warning, Brett/EPA to Mueller, Fred/Wausau dated July 3, 1991;
 - i. Summary of Telephone Messages from Warning, Brett/EPA to Mueller, Fred/Wausau dated July 8, 1991;

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- j. Response to Comments Submitted by Conestoga-Rovers & Associates. From Warning, Brett/EPA to Mueller, Fred/Wausau dated August 9, 1991; and
- k. Request for Administrative Relief. From Gilbertson, Rolf/Wausau to Adamkus, Valdas/EPA dated September 4, 1991.
- Correspondence between and Employers Insurance of Wausau dated April 9, 1991; l. Receipt Letter. From Bruce/OWPE to Mueller, Fred/Wausau
- m. Incomplete Work Confirmation. From Diamond, Bruce/OWPE to Mueller, Fred/Wausau dated June 26, 1991; and
- n. Acknowledgement of EPA's June 26, 1991, Letter. From Mueller, Fred/Wausau to Zimmerman, Fred/OWPE dated July 3, 1991.
- Intra-Agency Correspondence o. Work Completed by EPA. From Warning, Brett/OWPE to Zimmerman, Fred/OWPE dated April 29, 1992.
- Reimbursement Petition p. Petition for Reimbursement of Costs. From Mueller, Fred/Wausau to Diamond, Bruce/OWPE dated March 22, 1991; and
- q. Amendments to Petition for Reimbursement of Costs. From Mueller, Fred/Wausau to Diamond, Bruce/OWPE dated April 18, 1991;

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| Site Comments | r. Post Response Action Compliance Comments and Comments to U.S. EPA's June 19, 1991, Letter. From Conestoga-Rovers & Associates and Mueller, Fred/Wausau to Zimmerman, Fred/OWPE dated July 9, 1991. |
| Work Plan | s. Emergency Response Action Plan CIW Company Site, Romulus, Michigan. From Conestoga-Rovers & Associates/Wausau to EPA dated February 21, 1990. |

REGION ACTIVITIES REQUESTS

In addition, the "preliminary decision" of June 2, 1992 indicates that the Region, or its agents, contractors or subcontractors performed various tasks at the CIW Site (the "Site"). In conjunction therewith, the following inquiries must be answered by USEPA, and if answered in the affirmative, the following documents provided to us at our expense, not to exceed \$.10 per page or your customary fee, whichever is less, in order for Wausau to provide comments responsive to the "preliminary decision":

5. Please state whether there is or was an On-Scene Coordinator's report or reports prepared by Mr. Guria or by any contractor or subcontractor by or for the Agency or the Region, concerning the cleanup activities at the Site (Fund-initiated activities or PRP-initiated activities), or cleanup activities initiated by any other person or entity, referred to in the "preliminary decision" of June 2, 1992. If such a report or reports were prepared by Mr. Guria or by a contractor or subcontractor by or for the Agency or the Region, please provide us with copies thereof.

6. Please state whether there is or was an Agency or Region report, or a report or reports prepared by a contractor or subcontractor by or for the Agency or the Region relating to the activities described immediately below in subparagraphs (a) through (e), and as further described on page 8 of the "preliminary decision" of June 2, 1992:

- a. the consolidation 34 drums of inert/basic solids into a 20 cubic yard rolloff box and shipment as a waste corrosive solid (a total of 12 tons) to a landfill for pre-treatment and disposal;

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- b. the characterization and disposal of 14 drums (720 gallons) of sulfuric acid as waste corrosive materials;
- c. the shipment of two drums of sodium hydroxide and four drums (85 tons) of activated alumina to the original chemical manufacturers;
- d. the sampling, characterization and disposal of eight drums (440 gallons) of "previously unknown liquids" as F002 waste (chlorinated solvents); and
- e. the containment and disposal of all bagged chemicals/materials that "remained on site."

If so, please provide us with the Agency and Region report or reports and the report or reports prepared by the contractor and subcontractor by or for the Agency or the Region, and the report or reports of analyses relating thereto, the supporting documents and data, and copies of all waste manifests prepared relating to the reported activities described above in this paragraph and on page 8 of the "preliminary decision" of June 2, 1992.

7. Please state whether there is or was an Agency or Region report or reports, or a report prepared by a contractor or subcontractor by or for the Agency or the Region relating to "the subsequent removal activities performed by the Region at the warehouse tank" described on page 9 of the "preliminary decision" of June 2, 1992. If so, please provide us with the Agency and Region report, or reports, and the report or reports prepared by the contractor or subcontractor by or for the Agency or the Region, and the reports of analyses relating thereto, the supporting documents and data, and copies of all waste manifests prepared relating to the subsequent removal activities reportedly performed at the warehouse tank.

8. Please state whether there is or was an Agency or Region report or reports, or a report or reports prepared by a contractor or subcontractor by or for the Agency or the Region relating to "recent test results on tank T018" described on page 9 of the "preliminary decision" of June 2, 1992. If so, please provide us with the Agency and Region report or reports and the report or reports prepared by the contractor or subcontractor by or for the Agency or the Region, and the reports of analyses relating thereto, the supporting documents and data, and copies of all waste manifests prepared relating to the activities reportedly performed regarding tank T018.

9. Please state whether there is or was an Agency or Region report or reports, or a report or reports prepared by a contractor or subcontractor by or for the Agency or the Region relating to the

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Region's reported discovery that only "300 gallons of oil were present" on June 24, 1991 in tank T024, as described on page 10 of the "preliminary decision" of June 2, 1992. If so, please provide us with the Agency and Region report or reports prepared by the contractor or subcontractor by or for the Agency or the Region, and the reports of analyses relating thereto, the supporting documents and data, and copies of all waste manifests prepared relating to the activities reportedly performed regarding tank T024.

10. Please state whether there is or was an Agency or Region report or reports or a report or reports prepared by a contractor or subcontractor by or for the Agency or the Region relating to the activities described immediately following in subparagraphs (a) through (i), and as further described on page 10 of the "preliminary decision" of June 2, 1992:

- a. the disposal of 8 drums of "hazardous waste oil as a D-listed waste at a RCRA approved incineration facility";
- b. the disposal of 31 drums (1705 gallons) "of waste sludge as waste combustible liquids";
- c. the disposal and characterization of 4,500 gallons of "hazardous liquids characterized as F002 waste which was comprised of aqueous liquids from the remaining tanks and the decontaminated rinsate generated during the cleanup";
- d. the removal of "underground storage tank (T018)";
- e. the consolidation of tank T018's contents with other materials;
- f. the decontamination, destruction and disposal of tank T018;
- g. the decontamination of "the remaining tanks", and the activities prior to the decontamination of "the remaining tanks" that indicated the presence or lack of presence of PCB contamination in "the remaining tanks";
- h. the "verification that no residual PCBs remained in the tanks"; and
- i. the destruction and disposal of "the remaining tanks."

If so, please provide us with the Agency and Region report or reports and the reports or reports prepared by the contractor or subcontractor by or for the Agency or the Region, and the reports of analyses relating thereto, the supporting documents and data,

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and copies of all waste manifests prepared relating to the reported activities described above in this paragraph and on page 10 of the "preliminary decision" of June 2, 1992.

11. Please state whether there is or was an Agency or Region report or reports, or a report or reports prepared by a contractor or subcontractor by or for the Agency or Region relating to "soil sampling", the digging of "test pits" and the collection of "soil samples" and the characterization of the "type and extent of soil contamination at tank (T018)" as described on page 11 of the "preliminary decision" of June 2, 1992. If so, please provide us with the Agency and Region report or reports and the report or reports prepared by the contractor or subcontractor by or for the Agency or the Region, and the reports of analyses relating thereto, including, without limitation, the reports of analysis that "showed elevated levels of hydrocarbon contamination above the State of Michigan BTEX (Benzene, Toluene, Ethylbenzene and Xylene) standards for soils", and the supporting documents and data and copies of all waste manifests prepared relating to the reported excavation materials removed from the "test pits" at the Site.

12. Please state whether there is or was an Agency or Region report or reports, or a report or reports prepared by a contractor or subcontractor by or for the Agency or the Region relating to the Region's reported discovery of "elevated levels of PCBs at the sinks and tables in the laboratory", described on page 11 of the "preliminary decision" of June 2, 1992. If so, please provide us with the Agency and Region report or reports and the report or reports prepared by the contractor or subcontractor by or for the Agency or the Region, and the reports of analyses relating thereto, the supporting documents and data, and copies of all waste manifests prepared relating to materials discovered "at the sinks and tables in the laboratory."

13. Please state whether there is or was an Agency or Region report or reports or a report or reports prepared by a contractor or subcontractor by or for the Agency relating to the reported decontamination of "the floors and walls of the CIW block building", and whether or not there is or was an Agency or Region report or a report prepared by a contractor or subcontractor by or for the Agency or the Region relating to the activities, if any, that were performed prior to the reported decontamination of "the floors and walls of the CIW block building", that indicated the presence or lack of presence of PCB contamination of "the floors and walls of the CIW block building" described on page 12 of the "preliminary decision" of June 2, 1992. If so, please provide us with the Agency and Region report or reports and the reports or reports prepared by the contractor or subcontractor by or for the Agency or the Region, and the reports of analyses relating thereto, and any such reports that were prepared prior to the reported

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decontamination activities, and the supporting documents and data, and copies of all waste manifests prepared relating to materials associated with the alleged contamination thereof, and relating to the reported decontamination of "the floors and walls of the CIW block building."

14. Please state whether there is or was an Agency or Region report or reports or a report or reports prepared by a contractor or subcontractor relating to the activities described immediately below in subparagraphs (a) through (d) as further described on page 12 of the "preliminary decision" of June 2, 1992:

- a. the determination that "extensive hydrocarbon contamination still existed in the site soils, including soil contamination at the previous location of the concrete pads and diked areas";
- b. the discovery of "large oil filters and air purifying cartridges in the excavation area of the contaminated structures";
- c. the determination that the structures at the Site were "contaminated"; and
- d. the discovery of "12 containers of used oil ranging from one quart to five gallons."

If so, please provide us with the Agency and Region report or reports and the report or reports prepared by the contractor or subcontractor by or for the Agency or the Region, and the reports of analyses relating thereto, the supporting documents and data, and copies of all waste manifests prepared relating to the reported activities described above in this paragraph and on page 12 of the "preliminary decision" of June 2, 1992.

15. Please state whether there is or was an Agency or Region report or reports or a report or reports prepared by a contractor or subcontractor by or for the Agency or the Region relating to the Region's reported determination that PCB levels greater than "10mg/kg (11 ppm) existed in the soil [in the area] between the above ground tanks and the exterior walls of the warehouse and the laboratory", described on page 13 of the "preliminary decision" dated June 2, 1992. If so, please provide us with the Agency and Region report or reports and the report or reports prepared by the contractor or subcontractor by or for the Agency or the Region, and the reports of analyses relating thereto, the supporting documents and data and copies of all waste manifests prepared relating to materials associated with or disposed with "the soil [in the area] between the above ground tanks and the exterior walls of the warehouse and the laboratory."

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16. Please state whether there is or was an Agency or Region report or reports or a report or reports prepared by a contractor or a subcontractor by or for the Agency or the Region relating to the removal of the "concrete footings from the former tank farm contaminant structure along with a stockpile of other concrete footings" described on page 14 of the "preliminary decision" dated June 2, 1992. If so, please provide us with the Agency and Region report or reports and the report or reports prepared by the contractor or subcontractor by or for the Agency or the Region, and the reports of analyses relating thereto, the supporting documents and data and copies of all waste manifests prepared relating to materials associated with or disposed with the "concrete footings from the former tank farm contaminant structure" and the "stockpile of other concrete footings."

17. Please state whether there is or was an Agency or Region report or reports or a report or reports prepared by a contractor or subcontractor by or for the Agency or the Region relating to the regrading of "the soil on the site to an acceptable slope in order to control erosion" described on page 14 of the "preliminary decision" dated June 2, 1992. If so, please provide us with the Agency or Region report or reports and the reports or reports prepared for materials and soils by the contractor or subcontractor by or for the Agency or the Region, and the reports of analyses relating thereto, the supporting documents and data, and copies of all waste manifests prepared relating to or disposed with the regraded/graded "soil on the site."

18. Please state whether there is or was an Agency or Region report or reports, or a report or reports prepared by a contractor or subcontractor by or for the Agency or the Region relating to the reported disposal of "all personal protective clothing and miscellaneous debris generated during the cleanup into 43 fiber drums...as F002 waste", described on page 14 of the "preliminary decision" dated June 2, 1992. If so, please provide us with the Agency and Region report or reports and the report or reports prepared by the contractor or subcontractor by or for the Agency or the Region, and the reports of analyses relating thereto, the supporting documents and data, and copies of all wastes manifests prepared relating to the reported disposal of "all personal protective clothing and miscellaneous debris generated during the cleanup...as F002 waste."

19. Inasmuch as the Region prepared certain correspondence dated June 10, 1991, August 9, 1991 and April 29, 1992, which correspondence is referred to in the "preliminary decision" of June 2, 1992, and which correspondence formed part or all of the basis of the Agency's preliminary denial of Wausau's Petition for Reimbursement in the "preliminary decision" of June 2, 1992; please identify each and every Agency or Region document, report or

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summary, prepared by the Agency or the Region, or prepared by a contractor or subcontractor by or for the Agency or the Region, not otherwise disclosed pursuant to this letter, that was reviewed or considered by the Region in preparing the letters from the Region dated June 10, 1991, August 9, 1991 and April 29, 1992.

PROTOCOLS, SUPPORTING DOCUMENTS AND PLANS REQUEST

Furthermore, the following inquiries must be answered by USEPA, and if answered in the affirmative, the following documents must be provided to us at our expense, not to exceed \$.10 per page or your customary fee, whichever is less, in order for Wausau to provide comments to the "preliminary decision" of June 2, 1992:

20. Please state whether there is or was a report or reports prepared by the Agency or the Region, or a report or reports prepared by a contractor or subcontractor by or for the Agency or the Region relating to Site stabilization activities. If so, please provide us with the Agency and Region report or reports, and the report or reports prepared by the contractor or subcontractor by or for the Agency or the Region, and the reports of analyses relating thereto, the supporting documents and data, and copies of all waste manifests prepared relating to any stabilization activities at the Site.

21. Please state whether there are or were field notes prepared by the Oversight (TAT) contractor or prepared by the Agency or Regional On-Scene Field Coordinator, or any contractor or subcontractor by or for the Agency or the Region. If so, please provide us with copies of the field notes prepared by the Oversight (TAT) contractor and the Agency or Regional On-Scene Field Coordinator and the contractor or subcontractor by or for the Agency or the Region.

22. Please state whether there is or was a photographic log prepared by the Agency or the Region or a photographic log prepared by a contractor or subcontractor by or for the Agency or the Region including, without limitation, photographic logs prepared by the Overnight (TAT) contractor. If so, please provide us with copies of the Agency and Region Site photographic log and the photographic log prepared by the contractor or subcontractor by or for the Agency or the Region.

23. Please state whether the Agency, the Region or a contractor or subcontractor by or for the Agency or the Region, took photographs at or near the Site relating to the Site or Site activities (including, without limitation, photographs of samples, equipment, Site conditions, and so on, at, or otherwise associated with the Site). If so, please furnish us, at our expense, with duplicates of all the Agency's and the Region's photographs and the

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photographs taken by the contractor or subcontractor by or for the Agency or the Region relating to, or referred to in, or part of, any Agency or Region record, report, file or report or file prepared or maintained by a contractor or subcontractor concerning the CIW Site in Romulus, Michigan.

24. Please state whether there are or were plans prepared by the Agency or the Region for field sampling or analysis at the Site, or whether plans were prepared by a contractor or subcontractor by or for the Agency or the Region, including without limitation: (a) plans for field sampling that describe the number, type and location of samples and the type of analysis performed or to be performed, and (b) the plan for Quality Assurance. If so, please provide us with the Agency and Region field sampling and analysis plans, or such plans that were prepared by a contractor or subcontractor by or for the Agency or the Region.

25. Please state whether there are or were survey notes prepared by the Agency or the Region or prepared by a contractor or subcontractor by or for the Agency or the Region showing the location of the samples, and/or the elevations, and/or the benchmark locations used in establishing reference points, and/or showing the locations of each or any of these items relative to Site natural features, buildings or other improvements. If so, please provide us with the Agency and Region survey notes or such notes and drawings prepared by the contractor or subcontractor showing the sample locations, and/or the elevations, and/or the benchmarks, and/or said aerial locations, or any of them, and any drawings prepared by the Agency or the Region or by a contractor or subcontractor by or for the Agency or the Region relating thereto.

26. Please state whether there is or was a field investigation report or reports prepared by the Agency or by the Region or prepared by the On-Scene Coordinator, or prepared by a contractor or subcontractor by or for the Agency or the Region. If so, please provide us with the field investigation report or reports prepared by the Agency or the Region and those such reports prepared by the contractor or subcontractor by or for the Agency or the Region.

27. Please state whether there is or was a report or reports prepared by the Agency or the Region or a report or reports prepared by a contractor or subcontractor by or for the Agency or the Region documenting field sampling methods, locations, decontamination protocols and other details involving or concerning the collection of samples at the Site. If so, please provide us with the Agency and Region report or reports, and such reports that were prepared by the contractor or subcontractor by or for the Agency or the Region.

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28. Please state whether there is or was a report or reports prepared by the Agency or the Region or a report or reports prepared by a contractor or subcontractor by or for the Agency or the Region, identifying or summarizing the final data from the total petroleum hydrocarbon analyses, if any, (or such other parameters as were used, if any, to assess the magnitude and extent of non-PCB hydrocarbon contamination), and any report or reports prepared by the Agency or the Region or by a contractor or subcontractor by or for the Agency or the Region identifying or summarizing the total PCB contamination at the Site. This request includes a request for data found in reports, documents or summaries identifying in whole or in part:

- a. Narratives, analytical procedures and any problems identified during the sampling or analyses;
- b. The identification of the analytical methodology used in each of the analyses;
- c. The dates that the samples were collected, extracted and analyzed;
- d. The surrogate compound percent recoveries and control limits; and
- e. The matrix/spike and matrix/spike duplicates (percent recoveries and RPDs calculated and control limits specified for organic analyses);
- f. The matrix/spike and laboratory replicates (percent recoveries and RPDs calculated and control limits);
- g. The PQLs or MDLs specified for each method used;
- h. The dilution factors identified (as required);
- i. The chain of custody forms; and
- j. The Agency or Region report or reports on the assessment and validation of the data.

If so, please provide us with the Agency and Region report or reports and the report or reports prepared by the contractor or subcontractor identifying such data or parts thereof concerning PCB and total petroleum hydrocarbon, or such other parameters as were used, if any, to assess the magnitude and extent of PCB and non-PCB hydrocarbon contamination at the Site.

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29. Please state whether there is or was a report or reports prepared by the Agency or the Region or prepared by a contractor or subcontractor by or for the Agency or the Region, showing the lateral and vertical contaminant boundaries for both the alleged PCB contamination, and the hydrocarbon contamination. If so, please provide us with the Agency and Region report or reports, and the report or reports prepared by the contractor or subcontractor by or for the Agency or the Region showing such contamination boundaries.

30. Please state whether there is or was a report or reports prepared by the Agency or the Region or prepared by a contractor or subcontractor by or for the Agency or the Region, showing the design (with specifications) for the "fund-financed" removal action. If so, please provide us with the Agency and Region report or reports, and the report or reports prepared by the contractor or subcontractor by or for the Agency or the Region that show such design and specifications.

31. Please state whether there is or was a report or reports prepared by the Agency or the Region or prepared by a contractor or subcontractor by or for the Agency or the Region, relating to the decontamination protocol(s) and the protocols used in the reported decontaminating activities at the alleged PCB-contaminated structures and vessels, and a list of the TSCA approved solvents used in the reported decontamination. If so, please provide us with the Agency and Region report or reports and the report or reports prepared by the contractor or subcontractor by or for the Agency or the Region relating to said protocols.

32. Please state whether there is or was a report or reports prepared by the Agency or the Region or a report or reports prepared by a contractor or subcontractor by or for the Agency or the Region reporting or summarizing the actions performed during the "fund-financed" final removal action reportedly completed by the Region. If so, please provide us with the Agency and Region final removal action report, or such report or reports as was prepared by a contractor or subcontractor by or for the Agency or the Region.

AGENCY HEADQUARTERS ADMINISTRATIVE RECORD REQUESTS

33. Please state whether there is or was a separate Administrative Record, or more than our Administrative Record, or any record(s), at USEPA Headquarters in Washington, D.C. where documents, reports or summaries are available to the public, the Agency or the Region regarding this Site or the activities that occurred there. If so, please describe the location and protocol for reviewing the Administrative Record or the Administrative Records, or other Site records in Washington, D.C.

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34. To the extent that there is a separate Administrative Record, or any Site records at the Agency's Headquarters in Washington, D.C., please provide us with an official, certified copy of an index describing every document, report, summary, photograph or other evidence found in such Administrative Record, or any Site records as maintained at USEPA's Headquarters in Washington, D.C., please certify that the index (or indices) are true, accurate and authentic reproductions of the official indices of the records found and maintained at the Agency's Headquarters in Washington, D.C.

35. Furthermore, please provide us, at our expense, not to exceed \$.10 per page or your customary fee, whichever is less, photocopies of each document listed in the index or indices of the Administrative Record or more than one Administrative Record, or any Site record, not otherwise provided pursuant to paragraphs 1-34 herein.

WAUSAU'S TIMING OF ITS COMMENTS TO THE "PRELIMINARY DECISION" OF JUNE 2, 1992

Inasmuch as Wausau received the "preliminary decision" of June 2, 1992 on June 8, 1992, the thirty day period referred to by the Agency will toll, according to the Agency, unless extended, on July 8, 1992. However, in light of the numerous documents and records cited and/or relied upon by the Agency and the Region and referred to in the "preliminary decision" of June 2, 1992, which documents are either not available in, or which have not been maintained in the Administrative Record Records Center in Region V, Wausau respectfully informs the USEPA that it will not be in a position to comment on the "preliminary decision" of June 2, 1992 until thirty days following receipt of the reports, summaries, photographs and other documents requested by this letter where the Agency has affirmatively indicated the existence of such document or documents. As such, this letter also serves as Wausau's request for an extension of time from the July 8, 1992 deadline, until thirty days following said receipt.

Wausau's present inability to comment within the time prescribed by the Agency without first receiving from the Agency the records, data and other documents requested herein is not otherwise remedied by the Agency's statement in the "preliminary decision" letter that the "administrative record used by OWPE to make this decision is available for review at the EPA Records Center...[in] Chicago, Illinois." For example, despite repeated prior visits to the Administrative Record Records Center at the Region V Offices in Chicago, we were informed only yesterday of the existence of a separate "Administrative Record for the Petition for Reimbursement" not otherwise indexed, located or referred to in the "official" Administrative Record for the CIW Site.

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Specifically, only yesterday, were we finally afforded an opportunity to review the Region's correspondence to the Agency dated April 29, 1992, which letter was cited as substantial authority for the Agency's "preliminary decision" of June 2, 1992. Stated rhetorically, why did the April 29, 1992 letter from the Region become part of the public, but separate "Administrative Record for the Petition for Reimbursement" only after the "preliminary decision" of June 2, 1992? Similarly, Wausau forwarded to the Agency and Region its "Supplemental Post Response Action Compliance Comments" (SPRACC) on June 1, 1992, and that document is not available in either the Administrative Record for the CIW Site, or the recently created Administrative Record for the Petition for Reimbursement on the date hereof. Without the SPRACC and other relevant documents, reports, summaries and correspondence, the Region's Administrative Records are incomplete.

Finally, in the interest of expediting the Agency's "final determination" of Wausau's Petition for Reimbursement, we respectfully request the USEPA to answer our inquiries and provide us with the requested documents within 10 days. In addition, we respectfully request that this correspondence be made a part of the USEPA's Administrative Record, but this correspondence should not be construed as Wausau's only comments to the "preliminary decision" of June 2, 1992, but simply as Wausau's request for information and documents in the USEPA's possession and control that will enable Wausau to comment upon the "preliminary decision" of June 2, 1992 and to provide complete documentation for the Administrative Record or Administrative Records.

Thank you for your prompt attention to this matter.

Very truly yours,

JOHNSON & BELL, LTD.


By: William J. Anaya

WJA/gj